APPENDIX C: PUBLIC COMMENT LETTERS

Monday, February 04, 2002 8:10 AM Withers, Elizabeth Friday, February 01, 2002 8:56 AM Withers, Elizabeth (no subject) SaraJV Subject: To: Subject: From: Sent: From: Sent:

am greatly concerned about the new proposal of LANL for the bio-weapons lab am a member of CCNS in Santa Fe and have spoken at two public hearings: which would be built one block from the plutonium building on LANL property.

Feb. 1, 2002

Dear Madame,

away in 1994 in New York from colon cancer. I would ask the audiences how on what it is like to hold the hand of your son dying of cancer. Sean passed many people present had lost a child and out of 2-400 people, only 2 or 3 would raise their hand.

pancreatic cancer at the Lab. She told me in a whisper so her husband sitting Santa Fe, the wife of a LANL scientist informed me that there was a rash of LANL is causing cancers.....it is a fact. At a 1998 Christmas Concert in next to her would not hear.

Now the Lab wants to increase their terrorist target potential by adding a Bio-weapons Level-3 facility right next to the plutonium building. That is

NOT SMART!

In fact, it almost seems as though someone on that planning board is working I was against the WHIPP route (my house is 3/4 ... I am against the production of nuclear weapons at the in concert with terrorists and setting us up for a dual target!! am terribly against it..... mi. from it)...

last two weeks, for CCNS. I hope we can STOP it! I know that the research have been petitioning against the building of the Bio Level-3 Lab for the I am thinking seriously of moving "out of the "Kitchen"! None of family is here. This is a 50 mile danger zone to LANL.

Sara JV Sincerely,

would not be just for vaccines, but for offensive weapons as well!

Thursday, November 01, 2001 11:59 AM Withers, Elizabeth public comments Subject: Sent: From: 0.0

we failed to consider an alternative to locate the facility within the state of He has the following comments on I just got off the phone with Hank Daniman. the BSL-3 EA:

New Mexico at a DOD site such as White Sands or even the WIPP site where it would have greater security and be further away from large populations. DOD laboratories at White Sands and this would be more secure a site for such a facility. This would further the effort within DOE to separate the defense related work from the energy related work

prepares of the EA ignored the laboratory accident that occurred in Sverdlouske The EA states that there have been no major accidents but ignores this one in the USSR. (sp?), USSR where 80 died due to anthrax.

Accidents by transportation route seem to be based on data that was available in .989 and not more recent data. And since September 11th we know that probabilities have changed.

workers poking holes in the filters like they did at Rocky Flats, and also the 99.97 efficiency isn't sufficient for a 1-5 micron organism. 0.03 is too much Filtration by HEPA filters doesn't address poor maintenance or maintenance of a potential release margin.

come through Santa Fe except that the DOE pulled this document back but Hank has There is a transportation document prepared by a DOE contractor that considered every type of transportation situation and this document needs to be referenced in the alternative for shipping this stuff to White Sands so that it doesn't

Light scattering equipment needs to be installed in the lab so that the workers can tell if there are organisms in the air

Thursday, January 03, 2002 11:26 AM Withers, Elizabeth biolab comments sasha Sent: From:

Subject:

Elizabeth Withers, NEPA Compliance Officer

In light of the decades-long record of environmental and health/safety violations at Los Alarmos National Laboratories, many of which have only been redressed through litigation. I have grave concerns about the proposed level 3 biological weapons research lab there. I don't know if the public can be sure that the work will be confined to defensive rather than offensive applications, I'm alarmed about the volumes of potentially lethal materials that will be shipped in and out of Los Alamos, including through the mails, and I'd like to see more cleanup and environmental remediation before any new facilities are funded or constructed Along with my colleagues at Nuclear Watch of New Mexico, I submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

The granted comment period was inadequate in length given a 21-day

deadline that wasn't

adequately notified and publicized, the complexity of the issues, the lack

of availability of critical DOE supporting documents and numerous public (and two congressional) requests to extend the

comment period

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the

Department of Energy, has already implemented a multi-facility Chemical and

Biological National Security Program, Pursuant to the National Environmental Policy Act (NEPA), the NNSA should

facility-specific analysis of the proposed LANL BSL-3 facility.

The seriousness of the issues related to the proposed LANL BSL-3 facility prepare a programmatic environmental impact statement for that program, which could include a

and demonstrated

'significant public interest" require that a more comprehensive environmental impact statement be

Given that the Centers for Disease Control and Prevention (CDC) must prepared. This should occur within the context of broader programmatic

approve of procedures used in NNSA biological research activities, the DOE should designate the CDC as a "cooperating

environmental impact statement. Additionally, "transparency measures" should agency" in both programmatic and facility-specific NEPA reviews. The purpose and need for LANL's proposed BSL-3 facility must be more clearly stated in a final be institutionalized so that the facility cannot be construed as being in support of offensive

Seismic risks must be more comprehensively analyzed for the proposed

Hazard control plans and safety and risk analyses, which are presently

inadequate or simply developed. don't exist, must be fully developed. Local emergency response and medical teams need to be adequately trained

Phone Log - voice mail - E. withous 12/03/01

Thurs 1/29/01 (date of phone meroorge)

complete approval of surrounding commuties at he have government his laber forced on us = he approved and support of the blace botion comparisn; insists that standard work with line organisms without however all Safety aspects taken care of Mr. Star Rosen with Bace Action = momber (we don't want to have" LANL. tanne

telephone mumber

Clarke, Jason A.

Withers, Elizabeth Monday, February 04, 2002 8:12 AM Subject: From:

Phone Message: to: Elizabeth Withers 2/4/02 I just listened to a voice-mail message from a gentleman, Mr. Marty Mitzer, requesting a 120 day extention to the comment period for the BSL-3 EA.

and kept informed of facility operations.

The Draft EA repeatedly refers to the Institutional Biosafety Committee (IBC) as an overseer of proposed facility operations and states that two members of the public sit on that committee. The Institutional Biocharter, which mandates public involvement, must be fully complied with. Credible terrorist risk analyses have not been done. This is inexcusable in the wake of the 9.11 and anthrax attacks. A final environmental impact statement should address these all-too-real risks.

The stated plans to ship either attenuated or live biological select agents through the U.S. Postal Service is unacceptable because of potential safety and terrorist risks. A final environmental impact statement must designate other transportation options such as secure federal courses. The draft EA inadequately discusses research on federally unregulated

microorganisms. If such research is to be conducted, additional review under NEPA is required. To the extent possible, a final entrounential impact statement should address this issue. Respectfully submitted, Sasha Pyle

Page 2

January 5, 2002

Elizabeth Withers, Compliance Officer Office of Los Alamos Site Operations 528 35th Street Los Alamos, NM 87544

Dear Ms. Withers:

I am writing to comment on the proposal to build a new, more intensive lab at Los Alamos National Laboratory (LANL) to study biological agents including anthrax. I would like to say that I am against the building of this new lab. I do not feel confident of LANL's abilities to ensure a safely operating lab. There have been too many issues the past few years that cause me to doubt the ability of the lab to operate safely.

Three incidents in particular raise serious doubts in my mind: the Wen Ho Lee case, the missing diskettes, and the loss of data during the Cerro Grande fire.

The Wen Ho Lee case seems to be a case of total mismanagement. This suspected spy was allowed to continue work at the lab for years and then was charged with just a minor crime. I realize the FBI ran this investigation, but I do not like the idea that a suspected spy could continue to work for years at the risk of our national security.

Last year, two diskettes were missing from a "secured" area to which over 20 people had access. If I remember correctly, these were the only two diskettes of their kind and had to do with weapons testing and/or simulation. I believe they had both been taken to a conference before being reported missing and were later found behind a copy machine. First, if these diskettes are as important as was reported, both should NEVER be permitted to be removed from a secure area at the same time. Secondly, an area that more than 20 people can access with no apparent sign-out procedure, cannot, by definition, be considered secure.

During the Cerro Grande fire, some data was irretrievably lost when the computers they were on were burned in the fire. Sound business management procedures would have an automatic backup to another computer/server if on a network. If individual, standalone computers are used, then they should also be backed up regularly. Even during normal operation, data is sometimes irretrievably lost.

These three incidents cause serious doubts in my mind as to the ability of LANL to manage and protect the work that is done there. I do not want a more intensive lab to study biological agents to be built at LANL.

Thank you for the opportunity to comment.

Sincerely,

Comman Develormann

m: Eric Fairfield t: Sunday, November 04, 2001 9:00 AM Withers, Elizabeth

Subject: Predecisional document on BSL 3 facility.

Dear Elizabeth,

Thank you for the predecisional document. I have started to work through it carefully.

I have 25 years experience in such facilities, more than 30 years experience in molecular blology, 3 years experience as a LANL staff member, and 12 years experience as a Los Alamos resident.

So far the document is very uneven. It seems to be trying to be all things to all people. Some of these politically correct activities seem to

So far the document is very uneven. It seems to be trying to be all things to all people. Some of these politically correct activities seem to endanger the safety of a BSL3 facility. A number of the dangers appear to be common LANL ways of doing things that work fine for offices, computers, or physics labs but are not sufficient for a well designed BSL3 facility and its daily use.

The recent spread of contamination through the U.S. mail system validates these concerns.

I am continuing to read and make notes where there appear to be vulnerabilities for this resource. I have about 2 pages of concerns so far Most are based on day to day knowledge of the workings of such facilities alsewhere.

Sincerely,

Eric

Dr. Frederic R. Fairfield, President and CEO

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The complex is feedhandy, especially, in a populous area that depende, for a dangegar preper that new dalles for interveine wiological timbletted by an impartial outside agency. Co. 5. mg anake fault line, and its appalling vulnerite waste dumps, ite plutonum pit assembly South of that course of action is persued & initial that a full empleted and that the study and its interpretations be and the enveronment at great will with operationed, its dreing setuated on an earth-LANL already oversees and undertakes for more operations than their bayely and responsibly even able to handle. To add another potentially lethal component to dentity to fine and terreviste. We clearly donot reed ad sed rink factors. On a northern New Mexico resident & 3'd like to comment on record concerning the brulding of Irio research Jabonatories Speel that LANL already puto the public with opportunities for pullic remind and testeland are not bruitt in hos Alames alle by c Thank you Dear Elizabeth Withers, on tourner

11.25 am, 11/5/01
Received a call from Eric Fairfield and he stated that he had sent a comments on the draft BSL-3
EA. In summary, Dr. Fairfield would like to be financially reimbursed for his time and effort of reviewing the EA and commenting on it. He doesn't seem to like the idea that he should be asked to "give them away". He wanted to talk with some one else about the issue and was forwarded to

HQ. E. Withers

From: Exic Fairfield[
Sent: Mithers, Elizabeth Subject: Comments on the Predecisional Draft for the BSL 3 facility at los warded to Elizabeth,

I have finished reading and annotating the draft. Some parts seems very good while others are weak or conflict with each other.

To me the draft could be dramatically strenghtened without a lot of work.

Could you call me so that we can talk about what should happen next?

Thanks,

Eric

Dr. Frederic R. Fairfield, President and CEO

In summary, biowarfare research for defensive purposes needs to be conducted by the Centers of Disease Control, not at a DOE weapons facility.

Sincerely, Annemary Vogelweid

Withers, Elizabeth

From: Annemary Vogelweid(1 Sert: Monday, January 07, 2002 2:46 PM Withers, Elizabeth Withers, Elizabeth Subject: Biosafety level 3 facility planned for Los Alamos

Dear Ms. Withers:

opposed the biosafety level 3 facility planned for Los Alamos National Laboratory for these eason:

- LANL has too long a history of mistakes, accidents, and safety violations, and of firing safety inspectors who find problems.
- If such a facility is needed, it should not be at a weapons or DOE lab. The Inspector General's Feb. 2001 report, citing that some DOE laboratories were not adhering to the CDC requirements, does not give us confidence that LANL or any DOE facility can safely handle dangerous biological agents. This kind of research needs to be done by the Centers of Disease Control.
- 3) The United States last summer pulled out of the negotiations for monitoring compliance with the 1972 Biological and Toxins Weapons Convention treaty. As reported in the September 4, 2001, New York Times, the U.S. government admitted that it had already conducted two separate, secret projects simulating offensive bioweapons efforts. Because these projects were kept secret, the U.S. violated its 1986 commitment to declare the scope and purpose of any such activities.

Having this research at a weapons facility adds to the perception that many have, around the world as well as in our own nation, that the United States intends to prepare bioweapons for offensive capability.

- 4) This proposal has been rushed through without giving the public who could be affected by such a facility at LANL an adequate chance to study the lengthy Draft EA. Three weeks is not sufficient time for interested citizens to meet and consult with independent experts.
- 5) The public has not received all the information required by law. Several local public advocacy groups requested almost 3 months ago, but had not received as of last week, documents pertaining to public health and safety issues at the current LANL BSL-2. Documents that were used in preparation of the BSL-3 EA have not been made available to the general public. One local public advocacy group who contributed extensive EA scoping comments on the proposed BSL-3 facility. The Department of has yet to even receive the Darft EA on the proposed BSL-3 facility. The Department of Energy's own implementing Regulations state that "DOE shall make its NEPA [National Environmental Policy Act] documents available ... [to] interested groups, and the general public" (10 CFR 1021.301). The Council on Environmental Quality states that "No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment." (CEQ, 40 CFR 1602.21) To date, the DOE's obligations under NEPA have not been met, rendering it impossible for appropriate and educated written comment by the public. By rushing this proposal through in violation of regulations, the DOE has opened itself up to the possibility of a citizen class action lawsuit.

IBC charter, which mandates public involvement, must be fully complied with.

Credible terrorist risk analyses have not been done. This is inexcusable in the wake of the 9.11 and anthrax attacks. A final environmental impact statement should address these all-too-real

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statement must designate other transportation options such as secure federal couriers.

The draft EA inadequately discusses research on federally unregulated microorganisms. If such research is to be conducted, additional review under NEPA is required. To the extent possible, a final environmental impact statement should address this issue.

Respectfully submitted

REVERENCE PACK : 885 9: M. G.M.

Ms. Elizabeth Withers, NEPA Compliance Officer

DOE LAAO

528 35th Street

Los Alamos, NM 87544

Fax: 505/667-9998; E-mail: ewithers@doeal.gov

Dear Ms. Withers,

submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

The granted comment period was inadequate in length given a 21-day deadline that wasn't adequately notified and publicized, the complexity of the issues, the lack of availability of DOE supporting documents and numerous public (and two congressional) requests to extend the comment period.

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, has already implemented a multi-facility Chemical and Biological National

Security Program. Pursuant to the National Environmental Policy Act (NEPA), the NNSA

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prepare a programmatic environmental impact statement for that program, which could include a facility-specific analysis of the proposed LANL BSL-3 facility.

The seriousness of the issues related to the proposed LANL BSL-3 facility and demonstrated "significant public interest" require that a more comprehensive environmental impact statement

prepared. This should occur within the context of broader programmatic review.

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cooperating

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Hazard control plans and safety and risk analyses, which are presently inadequate or simply so that the facility cannot be construed as being in support of offensive weapons. Seismic risks must be more comprehensively analyzed for the proposed facility locations. don't exist, must be fully developed.

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		method yest a smote the that its safe persuse there is nothing to base it on.
		Transportation of biogradiants or whatever and project
		· also Storage & biswoote as I understood hasny
		all yless thing because there's no precedence there is really grounds for legal action without full E15
Signed: John Albon		Signed: John W. W. W. Ba

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Mr. Corry Cruz. Sz8 35th St.

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Los ALAMOS, NM

SCO. BINGAMAN,

REP. UNDALL

CC: EWHILMS,

NEPA Compliance Officer Office of the Environment Los Alamos, NM 87544 Ms. Elizabeth Withers 528 35th Street

Proposed Construction and Operation of a Biosafety Level 3 Facility Re: Predecisional Draft Environmental Assessment at Los Alamos National Laboratory DOE/EA-1364

Dear Ms. Withers:

significant impact. There are too many unknowns and uncertainties that are not addressed in (NNSA) must prepare a full Environmental Impact Statement with the opportunity for public (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 the EA. The Department of Energy (DOE) and National Nuclear Security Administration comment and public hearing

with BSL-1 and BSL-2 laboratories to assign risk because "information on human health effects formal manner." Other unknowns and uncertainties include where the BSL-3 waste would be disposed of, a complete seismic activity analysis, and increased transportation risk analysis of analysis of the human health risks where DOE/NNSA propose using LANL's past experience There are many unknowns and uncertainties in the draft EA. These include an incomplete specifically related to BSL-3 laboratories located in the United States is not tracked in any the communities along the transportation route.

complete review of the large EA and its supporting documents. I request a 120-day comment While I appreciate the 30-day extension to comment on the draft EA, it is too short for a period on the EA.

(city, state, zip) theres Sincerely, (address (name)

A Conduct & Cull ES & BL-3 /10005 & Jugamin Johnst

then 8 bio-varste disposal issues not adequately addressed

* GRANT the full 120 dy extension of the public

comment period.



January 2002

Ms. Elizabeth Withers NEPA Compliance Officer Office of the Environment 528 35th Street Los Alamos, NM 87544 Re: Predecisional Draft Environmental Assessment Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory DOE/EA-1364

Dear Ms. Withers:

The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no significant impact. There are too many unknowns and uncertainties that are not addressed in the EA. The Department of Energy (DOE) and National Nuclear Security Administration (NNSA) must prepare a full Environmental Impact Statement with the opportunity for public comment and public hearing.

There are many unknowns and uncertainties in the draft EA. These include an incomplete analysis of the human health risks where DOE/NNSA propose using LANL's past experience with BSL-1 and BSL-2 laboratories to assign risk because "information on human health effects specifically related to BSL-3 laboratories located in the United States is not tracked in any formal manner." Other unknowns and uncertainties include where the BSL-3 waste would be disposed of, a complete seismic activity analysis, and increased transportation risk analysis of the communities along the transportation route.

While I appreciate the 30-day extension to comment on the draft EA, it is too short for a complete review of the large EA and its supporting documents. I request a 120-day comment period on the EA.

Jann Wang (LARRY WANG)

(addam)

(addam)

Sincerely,

Withers, Elizabeth

From: Jackie Hudson(SMTP

Sent: Friday, January 11, 2002 11:46 PM

To: Withers: Elizabeth

Subject: Biological Research Lab at Los Alamos

Jec. Bringing Nesegial Lay at Los Agillos

Dear Ms. Withers,

What follows is my concern regarding the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

•CDDDDDD believe that at a minimum a programmatic environmental impact statement be prepared.

• □□□□□□Safety issues, emergency response plans must be developed to assure the populace living in the immediate area that public safety is high on your agenda.

The purpose of this facility seems to be the same as that of other nations whose facilities our government threatens to attack because they are deemed too threatening......what justifies the U.S. maintaining such facilities?

Please cancel this entire program for the safety of the planet

Respectfully submitted,

ackie Hudson

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	Jan. 11, 2002 John Ste 7501 nt Elizabeth Withers	Subject: BSi-3 Predecisional Draft EA	to request the full	Christman holidays, there was not a	dan ETS become	located un the	nuclear makes who	adequately hand !	John Storm
Phone Log	Date of Call Tary 11, 2002. John Steffs. Name of Recipient Blizabeth Withers	dubject: \$52.	Called a	Christman	(1) Nee.	BSL-3 labor microbes	handling "	were not a	Signed:

Ms. Elizabeth Withers NEPA Compliance Officer Office of the Environment 528 35th Street Los Alamos, NM 87544

Schuntz

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November 1 2001

Ms. Elizabeth Withers NEPA Compliance Officer Office of Environment 528 35th Street Los Alamos, NM 87544 Re: Predecisional Draft Environmental Assessment - DOE/EA-1364 "Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory"

Dear Ms. Withers:

The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no significant impact. The Department of Energy (DOE) and National Nuclear Security Administration (NNSA) did not complete a full analysis of the environmental and human health impacts of the proposed facility in the EA. In addition, the BSL-3 was not included in the Site-wide Environmental Impact for Continued Operation of the LANL; therefore, DOE/NNSA must prepare a full Environmental Impact Statement with opportunity for public comment and public hearing.

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Sincerely,

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Name

City, State, ZIP

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igned Willia Vallos

November 1

NEPA Compliance Officer Los Alamos, NM 87544 Office of Environment Ms. Elizabeth Withers 528 35th Street

Predecisional Draft Environmental Assessment - DOE/EA-1364 "Proposed Construction and Operation of a Biosafety Level 3 Facility at Los Alamos National Laboratory" Re:

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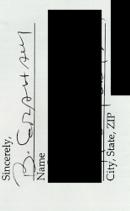
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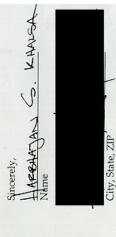
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Sincerely,

Charlotte Cooke

Name

Address

Giv, State, ZIP

November 11, 2001

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